



UNITED STATES PATENT AND TRADEMARK OFFICE

MN

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,234	03/24/2004	Natan Ehud	A&Z 21.088	5007
26304 7590 07/26/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER PERUNGAVOOR, VENKATANARAY	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,234

Applicant(s)

EHUD, NATAN

Examiner

Venkat Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1-3, 6, the last element of each claim does not terminate with an "and".
2. Claim 11 mentions the system twice. The Examiner has interpreted, the second system is meant to be a new claim and has been treated as such.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2,4-7,9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication 2003/0188153 to Demoff et al.
5. Regarding Claim 1, 6 Demoff discloses the receiving a request for storing digital item see Fig. 3 item 300; splitting the data item based on random factors see Fig. 3 item 306 & Par. 0023; recording the splitting algorithm random factors in relation to the digital item see Par. 0029 & Par. 0038; recording all data fragments in at least two internet servers(Back-up server & Storage management server) out available selection of servers according to algorithm based on rules and random factors see Par. 0038 & Fig. 2 & Fig.1; recording location algorithm random factors see Par. 0026 & Fig. 1 item 120 & Par. 0027(where the distribution of fragments and where they are sent are stored); receiving request to

Art Unit: 2132

restore the item, retrieving the fragments according to location algorithm see Fig. 4 item 406 & 408; and integrating the fragments according the splitting algorithm see 412.

6. Regarding Claim 2, 7, Demoff discloses the first user to store digital item see Fig. 2 item 210; intercepting the transmitted item at the first user accessing point see Fig. 2 item 204; identifying and associating intercepted data item see Fig. 2 item 210; pushing level encryption message to first user Par. 0038; first user selecting of encryption level see Par. 0038; first level delivery of data item to second user see Fig. 2 item 214; second level encryption is selected encrypting data before delivery data to second user see Fig. 3 item 312; third level of encryption to split the data into three data fragments based on random factors and recording the random factors see Fig. 3 item 308; recording all data fragments in at least two internet servers out available selection of servers according to algorithm based on rules and random factors see Par. 0038 & Fig. 2; recording location algorithm random factors see Par. 0026 & Fig. 1 item 120 & Par. 0027(where the distribution of fragments and where they are sent are stored); receiving request to restore the item, retrieving the fragments according to location algorithm see Fig. 4 item 406 & 408; and integrating the fragments according the splitting algorithm see 412.
7. Regarding Claim 4, 9, Demoff discloses the splitting operation is being performed at the client terminal before transmitted to the user access point according predetermined rules and random factors see Fig. 2 & Par. 0034.

Art Unit: 2132

8. Regarding Claim 5, 10, Demoff splitting operation is being performed at the access point before transmitted to the user access point according predetermined rules and random factors see Par. 0038.
9. Regarding Claim 11-12, Demoff discloses the splitting algorithm containing characteristics of the fragment size and number of fragments and non-sequential manner see Par. 0039 & Par. 0028.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
11. Claims 3, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2003/0188153 to Demoff et al in view of US Patent Publication 2006/0072744 to Ogihara et al.(hereinafter Ogihara).
12. Regarding Claim 3, 8, Demoff does not disclose the transforming data item to 3D representation of identified by coordinates and a 3D structure. However, Ogihara discloses the transforming data item to 3D representation of identified by coordinates and a 3D structure see Par. 0044 & Par. 0034. It would be obvious to one having ordinary skill in the art at the time of the invention to include the transforming data item to 3D representation of

Art Unit: 2132

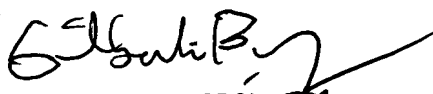
identified by coordinates and a 3D structure in the invention of Demoff in order to perform operation via matrices as taught in Ogihara see Par. 0045.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VP/
Venkat Perungavoor
Examiner
Art Unit 2132
July 12, 2007


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100